

# HOUSE BILL REPORT

## HB 3234

---

**As Reported by House Committee On:**  
Housing

**Title:** An act relating to homeless tent encampments.

**Brief Description:** Authorizing faith communities to host temporary homeless encampments subject to restrictions.

**Sponsors:** Representatives Miloscia, Hunt, Darneille, Chase, Holmquist, Santos and Hasegawa.

**Brief History:**

**Committee Activity:**

Housing: 2/2/06 [DPS].

### Brief Summary of Substitute Bill

- Mandates that counties, cities, and towns may not restrict faith communities from hosting homeless tent encampments and may not set a maximum duration of those encampments for less than 90 days.

---

### HOUSE COMMITTEE ON HOUSING

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Miloscia, Chair; Springer, Vice Chair; Holmquist, Ranking Minority Member; McCune, Ormsby, Pettigrew, Schindler and Sells.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Dunn, Assistant Ranking Minority Member.

**Staff:** Robyn Dupuis (786-7166).

#### **Background:**

Over the last several years, some Washington cities and counties have established, or have entertained discussions about, establishing ordinances providing regulations for the permitting of temporary encampments, including maximum stay ordinances.

Faith communities have responded in several instances with lawsuits claiming that such ordinances violate their constitutional and statutory rights under the state and federal constitutions and the Religious Land Use and Institutionalized Persons Act ("RLUIPA").

#### **Religious Land Use and Institutionalized Persons Act (RLUIPA)**

General Rule: "No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution;

(a) is in furtherance of a compelling governmental interest; and

(b) is the least restrictive means of furthering that compelling governmental interest."

The following cities currently allow 90 day stays for temporary encampments:

- Bellevue;
- Bothell;
- King County (unincorporated);
- Kirkland;
- Seattle;
- Woodinville (draft ordinance).

---

### **Summary of Substitute Bill:**

Counties, cities, and towns are prohibited from restricting faith communities from hosting homeless temporary encampments and may not set a time limit on such encampments for less than 90 days.

### **Substitute Bill Compared to Original Bill:**

Replaces reference to local government in original bill with a reference specifically to counties, cities, and towns.

---

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** (In support) It is part of the mission and a duty of faith communities to serve the homeless, and it is also a constitutional right under the RLUIPA. Setting a 90 day minimum allowance for homeless tent camps is reasonable. Tent camps are expensive and time consuming to move and this would require tent camps to only move a maximum of four times each year, but more importantly, 90 days provides the homeless residents time to get acclimated to the community, to find jobs, and to figure out the bus schedules so they can access educational and health services. A 90 day period gives homeless persons a chance at having some stability in order to get their lives back together. The turnover rate in camps is high and it is hoped that extending the time period a camp is located in a community will encourage persons to find stable employment, save money, and perhaps secure more permanent housing. This bill would at least eliminate one issue, the discussion of which

continues to waste time and valuable resources as it is rehashed from community to community. Tent camps are valuable housing resources, a resource of last resort, and they are well-run and orderly. Most communities do not find that hosting tent camps is a bad experience. Many feel that the minimum time allowed to a tent camp should be extended to 120 days. This bill should be expanded to all entities wishing to host tent camps and not be limited to faith communities. If local governments don't want tent camps, there is a simple solution: end homelessness.

(With concerns) Cities and their elected officials try to balance the interests of their community and it's difficult dealing with residents who are passionate about both sides of the issue. There is a concern about setting a specific time period that local jurisdictions must allow tent camps to stay in one spot, because this does not take into consideration the unique circumstances, needs, and resources of different communities.

**Testimony Against:** None.

**Persons Testifying:** Michael Ramos, Church of Council of Greater Seattle; Reverend Michael Rothermel, First Lutheran Church; Pat Tassoni, Thurston County Tenants Union; Reverend Bill Kirlin-Hacket, Interfaith Task Force on Homelessness; Jamie Yates; James McDowell; Nathan Brownfield; Leo Rhodes; Reverend Walter John Boris, Kirkland Congregational Church; Ruth Shearer, Advocate for Homeless; Sharon Sherrard, Kirkland Interfaith Network and Lake Washington United Methodist; and Pastor Thomas Kidd, Saint Luke's Lutheran.

(With concerns) Bob Mack, City of Bellevue.

**Persons Signed In To Testify But Not Testifying:** None.